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Attorney for Defendant
ROBERT KIRBY WELLS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT KIRBY WELLS,

Defendant.

Case No. 2:21-cr-0164-WBS

**STIPULATION TO CONTINUE STATUS
CONFERENCE AND EXCLUDE TIME
UNDER THE SPEEDY TRIAL ACT;
FINDINGS AND ORDER**

**DATE: November 22, 2021
TIME: 9:00 a.m.
COURT: Hon. William B. Shubb**

Defendant, ROBERT KIRBY WELLS, by and through his
undersigned counsel, and Plaintiff United States of America, by
and through its undersigned counsel, hereby stipulate as follows:

1. By previous order, this matter was set for status on
November 22, 2021, and time was excluded through November 22,
2021 pursuant to 18 U.S.C. § 3161(h)(7)(A), (B)(iv) (Local Code
T4).

2. By this stipulation, the parties jointly request that
the Court continue the status conference to January 31, 2022, at
9:00 a.m. The parties further request that the Court exclude
time under the Speedy Trial Act from November 22, 2021, through

1 January 31, 2022, pursuant to 18 U.S.C. § 3161(h)(7)(A), (B)(iv)
2 (Local Code T4).

3 3. The parties stipulate, and request the Court find the
4 following:

5 a) As of now, defense counsel has received 131,749
6 pages of discovery that include, among other things,
7 investigative reports, financial records, and other business
8 records, as well as the contents of two email accounts.

9 b) Counsel for defendant, ROBERT KIRBY WELLS,
10 believes that failure to grant the above-requested continuance
11 would deny counsel the reasonable time necessary for effective
12 preparation, taking into account the exercise of due diligence.

13 c) The government does not object to the continuance.

14 d) Based on the above stated findings, the ends of
15 justice served by continuing the case outweigh the interest of
16 the public and the defendant in a trial within the original date
17 prescribed by the Speedy Trial Act.

18 e) For the purpose of computing time under the Speedy
19 Trial Act, 18 U.S.C. § 3161, et. seq., within which trial must
20 commence, the time period of November 22, 2021, up to and
21 including, January 31, 2022, is deemed excludable under 18 U.S.C.
22 § 3161(h)(7)(A), (B)(iv) (Local Code T4), as it results from a
23 continuance granted by the Court at the defendant's request on
24 the basis of the Court's finding that the ends of justice served
25 by taking such action outweigh the best interest of the public
26 and defendant in a speedy trial.

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1 IT IS SO STIPULATED.

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3 DATED: November 17, 2021

Respectfully submitted,

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6 /s/ William J. Portanova
WILLIAM J. PORTANOVA

7 Attorney for Defendant
8 ROBERT KIRBY WELLS

9
10 DATED: November 17, 2021

PHILLIP A. TALBERT
Acting United States Attorney


11
12 /s/ Matthew Thuesen

13 MATTHEW THUESEN
14 Assistant United States Attorney

15 **FINDINGS AND ORDER**

16 IT IS SO FOUND AND ORDERED.

17 Dated: November 18, 2021


WILLIAM B. SHUBB

UNITED STATES DISTRICT JUDGE